

Patent  
OCULIR04

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Burd, et al.

Serial No.: 10/824,214

Filed: April 14, 2004

For: METHODS FOR NON-INVASIVE  
ANALYTE MEASUREMENT FROM  
THE CONJUNCTIVA)  
)  
) Group Art Unit: 3736  
)  
) Examiner: M. Kremer  
)  
) Attorney No.: OCULIR04  
)  
)  
)  
)  
)  
)RECEIVED  
CENTRAL FAX CENTER

OCT 05 2004

TERMINAL DISCLAIMER UNDER 37 C.F.R. § 1.321(c)Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Assignee, Oculir, Inc., owning an undivided 100% interest in the captioned application, as evidenced by the document recorded in the Patent Office on December 4, 2003, Reel 014753, Frame 0324, hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the captioned application that would extend beyond the expiration date of the full statutory term (as defined in 35 U.S.C §§ 154 to 156 and 173) of any U.S. Patent issuing from U.S. Pat. Application 10/428,410. In accordance with 37 CFR 1.321(c)(3), the assignee hereby agrees that any patent granted on the captioned application shall be enforceable only for and during such

10/18/2004 HMASSEY 00000001 502075 10824214

01 FC:2814 55.00 DA

CERTIFICATE TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted to the USPTO, fax. Number 703-872-9306 on the date shown below.

Shari Herron  
Printed Name

Signature of Person Faxing Papers

Patent  
OCULIR04

period that it is commonly owned with U.S. Patent issuing from U.S. Pat. Application 10/428,410, and is binding upon the grantees, their successors or assigns.

Assignee does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term of U.S. Patent issuing from U.S. Pat. Application 10/428,410, in the event that one or more of these later expire for failure to pay a maintenance fee; are held unenforceable; are found invalid; are statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.32(a); have all claims canceled by a reexamination certificate; or are otherwise terminated prior to the expiration of their statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

I am attorney of record and am authorized to make this disclaimer on behalf of the assignee.

I hereby declare that all statements made herein on my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Dated: 10/5/04

Respectfully submitted,

By: Stephen C. BeuerleStephen C. Beuerle  
Reg. No. 38,380

Procopio, Cory, Hargreaves & Savitch, LLP  
530 B Street, Suite 2100  
San Diego, CA 92101-4469  
Tel: (619) 238-1900